

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

AARON ALEXANDER ANELLO,

3:10-CV-00622-AC

Plaintiff,

ORDER

v.

MAX WILLIAMS, Director of
Department of Corrections; M.
NOOTH, Superintendent; CAPT.
PETERSON (FNU); SGT. MENA
(FNU); CPL. FUGATE (FNU);
C.O. RUX (FNU); JOHN DOE #1.
C.O.; JOHN DOE #2; JOHN DOE
#3,

Defendants.

BROWN, Judge.

Magistrate Judge John V. Acosta issued Findings and
Recommendation (#70) on March 20, 2012, in which he recommended
the Court grant Defendants' Motion (#46) for Summary Judgment.
Plaintiff filed Objections to the Findings and Recommendation.

The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b).

When any party objects to any portion of the Magistrate Judge's Findings and Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1). *See also Dawson v. Marshall*, 561 F.3d 930, 932 (9th Cir. 2009); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003)(*en banc*).

In his Objections, Plaintiff contends Defendants' filings in support of their Motion for Summary Judgment do not conform with Local Rule 56-1, and, therefore, Defendants' Motion is void. Specifically, Plaintiff points out that Defendants did not file a Concise Statement of Material Facts in support of their Motion filed July 22, 2011. This Court, however, amended Local Rule 56-1 effective January 1, 2011, and the Court no longer required parties to file a Concise Statement of Material Facts from that time. Accordingly, Defendants did not violate Local Rule 56-1.

Plaintiff's other Objections reiterate the arguments contained in his Response to Defendants' Motion for Summary Judgment. This Court has carefully considered Plaintiff's Objections and concludes they do not provide a basis to modify the Findings and Recommendation. The Court also has reviewed the pertinent portions of the record *de novo* and does not find any error in the Magistrate Judge's Findings and Recommendation.

CONCLUSION

The Court **ADOPTS** Magistrate Judge Acosta's Findings and Recommendation (#70) and **GRANTS** Defendants' Motion (#46) for Summary Judgment. Accordingly, the Court **DISMISSES** this matter **with prejudice.**

IT IS SO ORDERED.

DATED this 28th day of June, 2012.

/s/ Anna J. Brown

ANNA J. BROWN
United States District Judge